

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MICHAEL A. CHARNEY,

Plaintiff,

vs.

LEOLA B. KEICER,

Defendant.

No. CV-07-171-LRS

ORDER OF DISMISSAL

Plaintiff has filed a “Complaint” (Ct. Rec. 5) *pro se* and *in forma pauperis*. The named defendant is apparently the Plaintiff’s mother who apparently obtained a guardianship over her adult son through state court proceedings conducted in Knoxville, Tennessee. It appears Plaintiff wants to have this guardianship revoked, contending he was deprived of due process in the guardianship proceeding.

The *Rooker-Feldman* doctrine bars this court’s review of a state court guardianship proceeding. If Plaintiff wants to have this guardianship revoked, this is relief which needs to be pursued in the appropriate state courts of Tennessee. A losing party in state court is barred from seeking review of the judgment in a federal district court by claiming that the state court judgment violated the loser’s federal constitutional rights (i.e., due process rights) which were “inextricably intertwined” in the state court proceedings. *Johnson v. DeGrandy*, 512 U.S. 997, 1005-1006, 114 S.Ct. 2647 (1994). “Judicial errors committed in state courts are for correction in the state court systems.” *Hale v. Harney*, 786 F.2d 688, 691 (5th Cir. 1986). Here, the

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1 Plaintiff is asking for relief which would effectively reverse state court decisions or
2 void their rulings.

3 The *Rooker-Feldman* doctrine is jurisdictional and this court is therefore
4 obligated to raise it *sua sponte*. *Worldwide Church of God v. McNair*, 805 F.2d 888,
5 890-91 (9th Cir. 1990). This court does not have subject matter jurisdiction to
6 entertain Plaintiff's claims and therefore, his complaint and this action are
7 **DISMISSED without prejudice**. *Frigard v. United States*, 862 F.2d 201, 204 (9th
8 Cir. 1988)(dismissal for lack of subject matter jurisdiction should be "without
9 prejudice so that a plaintiff may reassert his claims in a competent court"). Plaintiff
10 needs to assert his claims in a competent Tennessee state court (trial or appellate court
11 as the case may be).

12 **IT IS SO ORDERED.** The District Executive shall forward copies of this
13 order to the plaintiff and close this file.

14 **DATED** this 21st of December, 2007.

15 *s/Lonny R. Suko*

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LONNY R. SUKO
United States District Judge